IN THE UNITED STATES DISCTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN HOPKINS	:
273 West Seven Stars Road	: CIVIL ACTION
Phoenixville, PA 19460	:
	: NO.:
Plaintiff,	:
	: JURY TRIAL DEMANDED
v.	:
	:
LEXISNEXIS RISK SOLUTIONS, INC.	:
d/b/a LexisNexis	:
1000 Alderman Drive	:
Alpharetta, GA 30005	:

Defendant.

TOTAL HODIZING

CIVIL ACTION COMPLAINT

Plaintiff, by and through his undersigned counsel, hereby avers as follows:

INTRODUCTION

1. This action has been initiated by John Hopkins (hereinafter referred to as "Plaintiff," unless indicated otherwise) against LexisNexis Risk Solutions, Inc., d/b/a LexisNexis. (hereinafter referred to as "Defendant") for violations of the Age Discrimination in Employment Act ("ADEA" - 29 U.S.C. §§ 621 *et. seq.*) and the Pennsylvania Human Relations Act ("PHRA"). As a direct consequence of Defendant's unlawful actions, Plaintiff seeks damages as set forth herein.

¹ Plaintiff's claims under the PHRA are referenced herein for notice purposes. Plaintiff's claims were dual filed with the PHRC, but will not administratively exhaust until they have been pending for 1-year. Plaintiff is required to file the instant lawsuit in advance, as he has been issued his right-to-sue letter from the EEOC. Plaintiff intends to amend his complaint to include PHRA claims once those claims are administratively exhausted.

JURISDICTION AND VENUE

- 2. This Court has original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of federal laws. There lies supplemental jurisdiction over Plaintiff's state law claims because they arise out of the same common nucleus of operative facts as Plaintiff's federal claims asserted herein.
- 3. There would alternatively lie jurisdiction pursuant to 28 U.S.C. § 1332 because: (a) Plaintiff is a resident, domiciliary and citizen of Pennsylvania; (b) Defendant is a resident and citizen of Georgia and/or Massachusetts; (c) Plaintiff seeks in excess of \$75,000.00, exclusive of costs and interest; and (d) there is complete diversity of parties.
- 4. This Court may properly maintain personal jurisdiction over Defendant because of its contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945), and its progeny.
- 5. Pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district, and Defendant is deemed to reside where it is subject to personal jurisdiction, rendering Defendant a resident of the Eastern District of Pennsylvania.

PARTIES

- 6. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
 - 7. Plaintiff is an adult individual, with an address as set forth in the caption.

- 8. Defendant is a global data and analytics company that provides data and technology services, analytics, predictive insights and fraud prevention for a wide range of industries.
- 9. At all times relevant herein, Defendant acted by and through its agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendant.

FACTUAL BACKGROUND

- 10. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
- 11. Plaintiff was 67 years old at the time of his unlawful termination from Defendant on or about October 7, 2022 (discussed further *infra*).
- 12. Plaintiff was hired by Defendant in or about May of 2011, worked and was based from 2520 Renaissance Blvd, Suite 100, King of Prussia, PA 19406.
 - 13. Plaintiff performed the role of inside salesperson.
- 14. In total, Plaintiff was employed with Defendant for approximately 10.5 years (until his termination on or about October 7, 2022).
- 15. As of Plaintiff's termination, Plaintiff was supervised by Andrea Parks (a Vice President) and indirectly to Parks' manager Joe Finazzo (Director of Sales / Vice President).
- 16. Towards the end of his employment with Defendant, Plaintiff was subjected to discriminatory treatment based on his advanced age, specifically by Parks.
- 17. Prior to late 2021, Plaintiff was perceived as a stellar employee with a good history of positive performance evaluations. Indeed, Plaintiff worked hard and produced good results.

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- 18. From late 2021 through mid-2022, however, Plaintiff was repeatedly placed on performance improvement plans (or had them extended a/k/a "PIP").
- 19. Plaintiff was meeting his sales goals and doing a very good job, but Defendant was looking for any rationale to terminate him (and kept documenting Plaintiff's personnel file with unjustified PIPs).
 - 20. Not intended to be an exhaustive list, unlike his younger coworkers, Plaintiff was:
 - (a) not sent to Defendant's headquarters for training;
 - (b) not given leads sheets;
 - (c) was made to cold call to obtain business; and
 - (d) treated disparately in <u>many</u> other ways (including as to a continual condescending attitude).
- 21. It was so blatant that Plaintiff complained of age discrimination to Casie Mathes (Employee Relations) via email on May 12, 2022.
- 22. Plaintiff also mentioned verbally to Parks that Plaintiff felt she was treating him differently because Plaintiff is older.
- 23. Plaintiff is unaware of any action(s) or escalation(s) of his verbal and written concerns of disparate treatment based upon his age.
- 24. Instead, Plaintiff was terminated on or about October 7, 2022 for allegedly failing to attain the goals set forth in his PIP, which was pretextually issued in the first instance.
- 25. There was nothing Plaintiff could do to satisfy alleged performance concerns that were pretextually identified in the first place, as Plaintiff's sales numbers and performance were already excellent.

- 26. It was obvious that the PIP was nothing more than the creation of a paper trail to justify Plaintiff's termination since nothing negative existed from a personnel file standpoint in the preceding ten (10) years of his employment, prior to Parks' supervision of Plaintiff.
- 27. Based on the foregoing, Plaintiff believes and avers that he was terminated from Defendant after over ten (10) years of dedicated service because of his advanced age and/or complaints of age discrimination.

Count I <u>Violations of the Age Discrimination in Employment Act ("ADEA")</u> ([1] Age Discrimination; and [2] Retaliation)

- 28. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
- 29. Plaintiff believes and therefore avers that he was subjected to a hostile work through disparate and discriminatory treatment and discriminatory comments because of his advanced age.
- 30. During his employment, Plaintiff complained of age discrimination to Mathes and later to Parks. In close temporal proximity to Plaintiff's complaints of age discrimination, Defendant made the decision to terminate his employment.
- 31. Plaintiff therefore asserts that he was terminated because of his advanced age and/or his complaint of age discrimination.
- 32. These actions as aforesaid constitute unlawful discrimination and retaliation under the ADEA.

WHEREFORE, Plaintiff prays that this Court enter an Order providing that:

A. Defendant is to compensate Plaintiff, reimburse Plaintiff, and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for

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Defendant's illegal actions, including but not limited to back pay, front pay, salary, pay

increases, bonuses, insurance, benefits, training, promotions, reinstatement, and seniority.

B. Plaintiff is to be awarded liquidated and/or punitive damages, as permitted by

applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish

Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Defendant or

other employers from engaging in such misconduct in the future;

C. Plaintiff is to be accorded other equitable and legal relief as the Court deems just,

proper, and appropriate (including but not limited to damages for emotional distress/pain and

suffering);

D. Plaintiff is to be awarded the costs and expenses of this action and reasonable

attorneys' fees as provided by applicable federal and state law; and

E. Plaintiff is to be given a jury trial as demanded in the caption of this Complaint.

Respectfully submitted,

KARPF, KARPF & CERUTTI, P.C.

Ari R. Karpf, Esquire

3331 Street Road

Two Greenwood Square, Suite 128

Bensalem, PA 19020

(215) 639-0801

Attorney for Plaintiff

Dated: March 7, 2023

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

		CIVIL ACTION			
John Hopkin	s				
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LexisNexis Risk Solutions, l	Inc. d/b/a LexisNexis	NO.			
plaintiff shall complete a Ca filing the complaint and serv side of this form.) In the designation, that defendant	use Management Track Des we a copy on all defendants. we went that a defendant doe shall, with its first appearant rties, a Case Management	ay Reduction Plan of this court, counse ignation Form in all civil cases at the tir (See § 1:03 of the plan set forth on the reson to agree with the plaintiff regarding ace, submit to the clerk of court and serv Frack Designation Form specifying the igned.	ne o verso said ve or		
SELECT ONE OF THE F	OLLOWING CASE MAN	AGEMENT TRACKS:			
(a) Habeas Corpus - Cases brought under 28 U.S.C. § 2241 through § 2255.					
(b) Social Security - Cases and Human Services der	requesting review of a deci nying plaintiff Social Secur	sion of the Secretary of Health ity Benefits.			
(c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2.					
(d) Asbestos – Cases involvexposure to asbestos.	ing claims for personal inju	ury or property damage from	()		
commonly referred to as	Cases that do not fall into to complex and that need specified of this form for a detail	racks (a) through (d) that are coial or intense management by led explanation of special	()		
(f) Standard Management -	Cases that do not fall into	any one of the other tracks.	(X)		
3/7/2023 .	A>	Plaintiff			
Date	Attorney-at-law	Attorney for	***************************************		
(215) 639-0801	(215) 639-4970	akarpf@karpf-law.com	·····		
Telephone	FAX Number	E-Mail Address			

(Civ. 660) 10/02

Case 2:23-cv-00865 PACKED PACKED DISTRICT USED R3/07/23 Page 8 of 9 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 273 West Seven Stars Road, Phoenixville, PA 19460					
Address of Defendant: 1000 Alderman Drive, Alpharetta, GA 30005					
Place of Accident, Incident or Transaction: Defendant's place of business					
RELATED CASE, IF ANY:					
Case Number: Judge: Date Terminated:					
Civil cases are deemed related when Yes is answered to any of the following questions:					
1. Is this case related to property included in an earlier numbered suit pending or within one year Yes No X					
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit Yes No X					
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?					
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights Yes No X					
I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.					
DATE: 3/7/2023 ARK2484 / 91538					
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)					
CIVIL: (Place a √ in one category only)					
CIVIL: (Place a √ in one category only) A. Federal Question Cases: B. Diversity Jurisdiction Cases:					
A. Federal Question Cases: 1. Indemnity Contract, Marine Contract, and All Other Contracts 1. Insurance Contract and Other Contracts 2. FELA 2. Airplane Personal Injury 3. Assault, Defamation 4. Antitrust 4. Marine Personal Injury 5. Patent 5. Motor Vehicle Personal Injury 6. Labor-Management Relations 6. Other Personal Injury (Please specify): 7. Civil Rights 7. Products Liability 8. Habeas Corpus 8. Products Liability 8. Products Liability 9. Securities Act(s) Cases 9. All other Diversity Cases 9. All other Diversity Cases 10. Social Security Review Cases 10. Social Security Sec					
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A. Federal Question Cases: 1. Indemnity Contract, Marine Contract, and All Other Contracts 2. FELA					

Case 2:23-cv-00865-Document 1 Filed 03/07/23 Page 9 of 9 IL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as

provided by local rules of court purpose of initiating the civil do	This form, approved by the ocket sheet. (SEE INSTRUC	e Judicial Conference of th TIONS ON NEXT PAGE OF T	ne United States in September 19 THIS FORM.)	74, is required for the use of the	ne Clerk of Court for the	
I. (a) PLAINTIFFS			DEFENDANTS			
HOPKINS, JOHN			LEXISNEXIS RI	SK SOLUTIONS, INC.	D/B/A LEXISNEXIS	
(b) County of Residence o		Chester	County of Residence	County of Residence of First Listed Defendant Fulton		
(EXCEPT IN U.S. PLAINTIFF CASES)		(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.				
(c) Attorneys (Firm Name, A	Address, and Telephone Number	-)	Attorneys (If Known)			
Karpf, Karpf & Cerutti, I Suite 128, Bensalem, PA	· ·	*	1 1			
II. BASIS OF JURISDI	CTION (Place an "X" in O	ne Box Only)		RINCIPAL PARTIES	(Place an "X" in One Box for Plaintif	
1 U.S. Government	X 3 Federal Question		(For Diversity Cases Only)		and One Box for Defendant) PTF DEF	
Plaintiff	(U.S. Government	Not a Party)	Citizen of This State	1 Incorporated <i>or</i> Prir of Business In T		
2 U.S. Government Defendant	4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citizen of Another State	2 Incorporated <i>and</i> Pr of Business In A		
			Citizen or Subject of a Foreign Country	3 3 Foreign Nation	6 6	
IV. NATURE OF SUIT		nly) ORTS	FORFEITURE/PENALTY	Click here for: Nature of BANKRUPTCY	of Suit Code Descriptions. OTHER STATUTES	
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment ∞ Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY ' 310 Airplane ' 315 Airplane Product Liability ' 320 Assault, Libel & Slander ' 330 Federal Employers' Liability ' 340 Marine ' 345 Marine Product Liability ' 350 Motor Vehicle Product Liability ' 360 Other Personal Injury ' 362 Personal Injury Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting X 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 448 Education	PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage 385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other: 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee - Conditions of Confinement	625 Drug Related Seizure of Property 21 USC 881 690 Other	' 422 Appeal 28 USC 158 ' 423 Withdrawal 28 USC 157 PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent □ 835 Patent - Abbreviated New Drug Application □ 840 Trademark SOCIAL SECURITY ' 861 HIA (1395ff) □ 862 Black Lung (923) ' 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI ' 865 RSI (405(g)) FEDERAL TAX SUITS □ 870 Taxes (U.S. Plaintiff or Defendant) □ 871 IRS—Third Party 26 USC 7609	□ 375 False Claims Act ' 376 Qui Tam (31 USC	
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VII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER RULE 2	IS A CLASS ACTION	DEMAND \$	CHECK YES only JURY DEMAND	if demanded in complaint: X Yes 'No	
VIII. RELATED CASI IF ANY	(See instructions):	JUDGE		DOCKET NUMBER		
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